



February 6, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Fonix Telecom, Inc.
LecStar Telecom, Inc
Certification of CPNI Filing
EB-06-TC-060, WC Docket No. 06-36**

Dear Ms. Dortch:

Fonix Telecom, Inc. and LecStar Telecom, Inc. (collectively "Fonix"), pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006¹ and the Commission's rules requiring that all telecommunications carriers protect the privacy of customer proprietary network information ("CPNI"),² submits this Certificate and accompanying Statement. Fonix takes its responsibility to assure the confidentiality of its customers' CPNI very seriously. Fonix is cognizant of the media reports regarding release of subscriber information to so called "data brokers" and assures the Commission that it protects such information that its customers entrust to it and does not release such information to unrelated third parties for any reason. Fonix has implemented specific operational procedures to protect the confidentiality of such information, consistent with the Commission's rules. Nonetheless, in light of the media reports, Fonix is reviewing those procedures and is currently implementing a more comprehensive plan for protecting its customers' confidential information to expand its protections against inadvertent external release and to assure complete compliance as to its own internal uses of the information. As part of this comprehensive plan, Fonix will issue updated notices to its customers providing them additional opportunities to grant or deny Fonix approval to use their CPNI.

As requested by the Public Notice, the undersigned, as an officer of Fonix, certifies based upon personal knowledge that the following Compliance Statement accurately describes the

¹ *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

² 47 C.F.R. §64.2000, *et seq.*

operational procedures and policies implemented by Fonix to ensure the privacy of its customers' CPNI consistent with Commission's CPNI rules.

No Third Party Disclosure of CPNI

Because Fonix takes very seriously its obligation to protect against disclosure of CPNI, Fonix does not use, disclose or provide access to CPNI to third parties that are not agents, independent contractors, or joint venture partners of Fonix.

Disclosure to agents, joint venture partners and independent contractors is limited, however to specific customers where the specific agent, joint venture partner or independent contractor made the original sale to the customer. Any disclosure of CPNI to such agents, joint venture partners and independent contractors is conditioned on execution of an appropriate nondisclosure agreement.

Employment at Fonix is Contingent on Protecting Customer Confidential Information

Maintaining the privacy of Customers' confidential information is a condition of employment Fonix. All Fonix employees are required to execute a Confidential Information Protection Agreement ("Confidentiality Agreement") in order to begin employment at Fonix. This Confidentiality Agreement, among other things, requires employees to hold customer confidential information in trust and confidence. This policy bars employees from disclosing such confidential information to third parties, and prohibits employees from removing confidential information upon conclusion of employment with Fonix. Violation of this policy may result in, among other actions, suspension of work, duties, diminution of responsibilities or demotion, and termination of employment. Fonix has taken disciplinary action against employees, including termination, for violating the privacy of customer confidential information.

Fonix Employees Receive Training Regarding Protecting Customer Confidentiality

New Fonix employees involved in providing sales and customer service functions receive training regarding protecting customer privacy. This training encompasses the company's prohibition on releasing confidential customer information to third parties.

Fonix Does Not Conduct Outbound Marketing Campaigns Using CPNI

All Fonix marketing to existing customers using CPNI occurs on calls the customer originates to Fonix. Other Fonix marketing efforts do not entail use of CPNI.

Recordkeeping

Fonix maintains records of its marketing efforts in its customer record database. Fonix's backoffice system logs each time a customer service representative, account manager or other sales personnel have contact with the customer and records that the customer's data is reviewed and each unique "screen" of information that was reviewed. These records are stored for at least one year.

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In light of the recent troubling news reports regarding release of CPNI to third party "data brokers", Fonix is currently auditing the privacy protections currently in place. Concurrently with this audit, Fonix is establishing more comprehensive CPNI protections. To that end, and given the recent publicity about third party CPNI disclosures, Fonix is providing all of its customers additional opportunities to grant or deny Fonix approval to use CPNI for marketing. Fonix will continue to maintain and enforce its prohibition on unauthorized release of customer confidential information to third parties and further CPNI approvals will not seek approval for release of CPNI to third parties that are not agents, independent contractors, or joint venture partners of Fonix.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Britt". The signature is written in a cursive, slightly slanted style.

Michael E. Britt
Vice President Regulatory Affairs
Fonix Telecom, Inc.
LecStar Telecom Inc.

cc: Byron McCoy (FCC)
Best Copy and Printing, Inc.

Certificate

I, Michael E. Britt, state that I am the Vice President of Regulatory Affairs of Fonix Telecom, Inc. and LecStar Telecom, Inc.; that I am authorized to submit the foregoing Certificate and Compliance Statement on behalf of Fonix Telecom, Inc. and LecStar Telecom, Inc. and that it is true and correct to the best of my knowledge, information, and belief.



Name: Michael E. Britt

Title: Vice President Regulatory Affairs
Fonix Telecom, Inc.
LecStar Telecom, Inc.